

### **REMARKS**

This responds to the Office Action mailed on June 9, 2004.

Claim 63 is amended, claims 1-59 and 64-73 are canceled, and no claims are added; as a result, claims 60-63 are now pending in this application.

The amendment to claim 63 is to change dependency from rejected claim 21 to allowed claim 60. The amendment is to clarify the claims and is not intended to limit the scope of equivalents to which any claim element may be entitled. The amendment to the claim has support throughout the specification. No new matter has been added as a result.

Claims 1-59 and 64-73 have been canceled solely to advance the prosecution of the present application, and without prejudice to their further prosecution in an appropriately filed continuing or divisional application.

### **Supplemental Information Disclosure Statement**

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Supplemental Information Disclosure Statement filed on March 23, 2004, marked as being considered and initialed by the Examiner, be returned with the next official communication.

### **§112 Rejection of the Claims**

Claims 72-73 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

These claims have been cancelled, thus rendering this rejection moot.

### **§103 Rejection of the Claims**

Claims 21-25, 27, 31-58, 64-71 were rejected under 35 USC § 103(a) as being unpatentable over Devic (U.S. Patent No. 5,219,601).

These claims have been cancelled, thus rendering this rejection moot.

Allowed Claims

Applicant again notes with appreciation the allowance of claims 60-63. Applicant has amended claim 63, however, to depend on allowed claim 60 rather than on claim 21, which currently stands rejected. Applicant believes that claim 63 is now in condition for allowance.

## AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

Page 6

Serial Number: 09/663,914

Dkt: 869.027US1

Filing Date: September 18, 2000

Title: BLEACHED BRAN AND BRAN PRODUCTS

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 515-233-3865 to facilitate prosecution of this application.

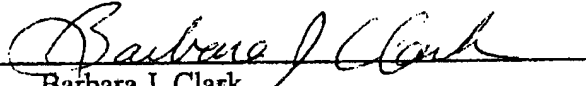
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ADELMO MONSALVE-GONZALEZ ET AL.

By their Representatives,

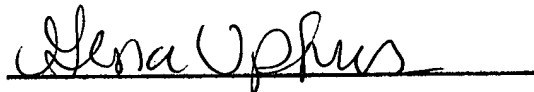
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
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515-233-3865

Date SEPTEMBER 9, 2004 By   
Barbara J. Clark  
Reg. No. 38,107

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of September, 2004.

Gina M. Uphus

Name



Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Adelmo Monsalve-Gonzalez et al.

Title: BLEACHED BRAN AND BRAN PRODUCTS (AS AMENDED)

Docket No.: 869.027US1

Filed: September 18, 2000

Examiner: Lien Thuy Tran

Serial No.: 09/663,914

Due Date: September 9, 2004

Group Art Unit: 1761

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.☒ An Amendment and Response (6 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: 

Atty: Barbara J. Clark

Reg. No. 38,107

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Gina M. Uphus

Name

Signature 

SCHWEGMAN, LUNDBERG, WOESSNER &amp; KLUTH, P.A.

(GENERAL)